

REMARKS

Claims 4 – 8 are pending. Claims 6 – 7 have been allowed. Claim 9 has been added. Applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 4, 5 and 8 were rejected under 35 USC 112, second paragraph, as being indefinite. Particularly, the Examiner has asserted that the limitation “the airbag cover” recited in claim 4 does not have sufficient antecedent basis. Applicants have accordingly amended claim 4 to recite an airbag cover with sufficient antecedent basis. Therefore, it is respectfully requested that the rejection of claim 4, as well as dependent claim 5, under 35 USC 112, second paragraph be withdrawn.

The Examiner has also asserted that claim 8 is indefinite because it depends from canceled claim 1. Applicants have accordingly amended claim 8 to depend from claim 6. Therefore, it is respectfully requested that the rejection of claim 8 under 35 USC 112, second paragraph be withdrawn.

Claims 4 and 8 have been rejected under 35 USC 102(b) as being anticipated by U.K. Patent Application No. 2,263,671 to Kitagawa *et al.* (hereafter: “Kitagawa”). For the reasons discussed below, these claims, as amended, are now in condition for allowance.

Claim 4 has been amended to recite the novel embodiment disclosed, for example, on page 13 in which the knee protecting airbag device S includes an airbag cover 46 assembled with the case 22 for housing the airbag 73, wherein the airbag cover 46 includes a door portion 48 covering the opening of the case; and wherein the airbag cover 46 and the interior decoration member (such as, for example, the lower dashboard panel 19b) are flush and form a continuous

surface in a direction facing a rear side surface of the vehicle while the airbag 73 is in an unoperated state.

Kitagawa discloses an airbag device for the knees of a vehicle occupant which includes a retainer 24, an airbag 26 attached to the retainer 24, and a module cover 28 covering the airbag. The steering wheel 12 is attached to the leading end of a steering column 18, which is covered with a column cover 20. The Examiner has asserted that the column cover 20 corresponds to the interior decoration member recited in claim 4.

Assuming *arguendo* that the column cover 20 discloses such an interior decoration member, Kitagawa fails to disclose an airbag cover assembled with the case, wherein the airbag cover includes a door portion covering the opening of the case, wherein the airbag cover and the interior decoration member 20 are flush and form a continuous surface in a direction facing a rear side surface of the vehicle while the airbag is in an unoperated state. Rather, Kitagawa discloses, as shown in Figs. 1 – 2, a module cover 28 that is not flush, that does not form a continuous surface, with the column cover 20 as do the airbag cover 46 and the interior decoration member 19b as recited in claim 4.

Rather, in Kitagawa, the module cover 28 is arranged to protrude rearwardly from the instrument panel 10 and is arranged to cover the column cover 20. As a result, a discontinuous step is formed between the airbag cover 28 and the column cover 20 (which the Examiner asserts to correspond to the recited interior decoration member). As a result, the module cover 28 appearance is less aesthetically pleasing than the continuous surface formed by the claimed airbag cover and the interior decoration member.

Therefore, because Kitagawa fails to disclose an airbag cover assembled with the case, wherein the airbag cover includes a door portion covering the opening of the case, wherein the

airbag cover and the interior decoration member 20 are flush and form a continuous surface in a direction facing a rear side surface of the vehicle while the airbag is in an unoperated state, it is respectfully requested that the rejection of claim 4 under 35 USC 102(b) be withdrawn.

Claim 8 has been amended to depend from claim 6. The Examiner has indicated that claim 6 contains allowable subject matter. Therefore, claim 8 should also be in condition for allowance.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Kitagawa in view of U.S. Patent No. 5,904,367 to Warnez *et al.* Claim 5 depends from claim 4. Therefore, the rejection claim 5 should be withdrawn for at least the above-mentioned reasons with respect to claim 4.

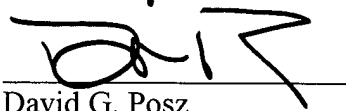
The allowance of claims 6 – 7 is acknowledged and appreciated.

New claim 9 is presented for examination. This claim recites features that further distinguish the present invention from the art of record. Support for new claim 9 can be found on, for example, page 7. Claim 9 depends from claim 4. Therefore, claim 9 should be in condition for allowance for at least the above-mentioned reasons with respect to claim 4.

In view of the foregoing, Applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DGP', is written over a horizontal line.

David G. Posz
Reg. No. 37,701

DGP/ksc
Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400